| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| EXAMINER |
|---|
| NGUYEN, CHAU T |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2176 | |

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/524,849 | TAYLOR, ESME M. |
| | Examiner | Art Unit | |
| | Chau Nguyen | 2176 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>21 September 2006</u>.

2a) ☒ This action is **FINAL**.    2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1,2,4-11,31-50,71-74 and 79-90* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-2, 4-11, 31-50, 71-74 and 79-90* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

1.      Amendment, received on 09/21/2006, has been entered.  Claims 1-2, 4-11, 31-

50, 71-74 and 79-90 are presented for examination.

### *Claim Rejections - 35 USC § 102*

2.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.      Claims 32-38 and 73-74 are rejected under 35 U.S.C. 102(e) as being

anticipated by Lambert et al. (Lambert), US Patent No. 6,374,241.

4.      As to independent claims 32 and 73-74, Lambert discloses a method for

marketing and selling sponsorship of a directory listing within a system that displays

directory listings in response to search criteria submitted by a user, the method

comprising:

        presenting a listing to the user based on the search criteria (Figs. 13&14 and col.

9, line 57 – col.10, line 11: Fig. 13 shows a user interface screen for user to perform a

data query or search for specified categories/criteria, and Fig. 13 shows a plurality of listings based on the user's search); and

transmitting listee information, sponsor information, and framing information to the user for use in generating a browseable pre-defined HTML web page display having a plurality of embedded hypertext links, in response to a user selection of the listing (Fig. 14 shows listee information 1862, sponsor information on the right hand side such as "Shop Online for Computers", "Consumer Guide", etc...are displayed to the user; Fig. 15 and col. 10, lines 12-17: when the user selects listing "Shoe-Custom Made" on Fig. 14, Fig. 15 displays the selected listing "Shoe-Custom Made" and sponsors such as "Hanger Prosthetics & Orthotics" and "Pedi-Mac Shoe Company" which are active and browseable pre-defined HTML web page having sponsors (embedded hypertext links) on the same page as the sponsoree listing).

5.      As to dependent claim 33, Lambert discloses wherein the listee information includes contact information related to the listee (Fig. 15).

6.      As to dependent claim 34, Lambert discloses wherein the sponsor information includes a Universal Resource Indicator (URI) (Fig. 15).

7.      As to dependent claim 35, Lambert discloses wherein the sponsor information includes a web page (Fig. 15).

8.      As to dependent claim 36, Lambert discloses wherein the sponsor information

includes multi-media objects (Advertisements include multimedia objects are well-

known in the art).

9.      As to dependent claim 37, Lambert discloses wherein the framing information

frames the listee information in a web page and the sponsor information in an HTML

frame (Fig. 15).

10.     As to dependent claim 38, Lambert discloses wherein sponsor information may

be navigated by the user (Fig. 15).

## Claim Rejections - 35 USC § 103

11.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.     Claims 1-2, 71-72 and 79-81 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lambert et al. (Lambert), US Patent No. 6,374,241 and further in

view of Verma, US Patent No. 6,243,750.

13.    As to independent claims 1, 71-72, 79 and dependent claim 80, Lambert

discloses a method for marketing and selling sponsorship of a directory listing within a

system that displays directory listings in response to search criteria submitted by a user,

the method comprising:

presenting a plurality of listings to the user based on the search criteria (Figs.

13&14 and col. 9, line 57 – col.10, line 11: Fig. 13 shows a user interface screen for

user to perform a data query or search for specified categories/criteria, and Fig. 13

shows a plurality of listings based on the user's search);

displaying the selected listing as a sponsoree listing and a designated active and

browseable pre-defined HTML sponsor web page of a sponsor having a plurality of

embedded hypertext links wherein the sponsor web page is displayed on the same

page as the sponsoree listing in response to a user selection of one of the listings (Fig.

14 shows listee information 1862, sponsor information on the right hand side such as

"Shop Online for Computers", "Consumer Guide", etc...are displayed to the user; Fig.

15 and col. 10, lines 12-17: when the user selects listing "Shoe-Custom Made" on Fig.

14, Fig. 15 displays the selected listing "Shoe-Custom Made" and sponsors such as

"Hanger Prosthetics & Orthotics" and "Pedi-Mac Shoe Company" which are active and

browseable pre-defined HTML web page having sponsors (embedded hypertext links)

on the same page as the sponsoree listing); and

enabling the sponsoree associated with the sponsoree listing to replace the

sponsor web page with any other web page selected by the sponsoree upon payment of

consideration by the sponsoree (Figs. 16-22 and col. 10, lines 18-51: advertiser

(sponsoree) updates/changes a business listing information by advertiser based on types of payments such as Platinum ($80/month), Gold ($45/month), Silver ($20/month) and/or Basic ($5/month).

However, Lambert does not explicitly disclose wherein no further browsing is required to see a content of the web page.

Verma discloses advertisement 411 for bicycle roof racks including text "This Roof Rack on Sale Today SKU-NZD735 Price: 59.99 Dollars" (col. 4, lines 47-67 and Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Verma and Lambert to include no requirement to browse the web page to see its content since the web page itself already contains enough information that a user or searcher can comprehend, and if the user or searcher wants to know more about the advertisement, he/she can always click on the advertisement to see further details.

14.    As to dependent claims 2 and 81, Lambert and Verma disclose displaying the plurality of results on the single page, with no sponsors and displaying step comprises, when a user selects a single result from the plurality of results, subsequently displaying the selected result with the sponsor web page (Lambert, Figs. 14-15).

15.     Claims 4, 10, 31, 82, 88 and 90 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lambert and Verma as discussed in claims 1-2, 71-72 and 79-81

above and further in view of Ramaswamy, US Patent No. 6,338,085.


16.     As to dependent claims 4 and 82, Lambert and Verma, however do not explicitly

disclose wherein the listings displayed in said presenting step do not include a

telephone number.

Ramaswamy discloses a telephone activated web server providing a user

interface for searching or requesting a certain information, and in response to the user's

request, displaying a list of search result to the user, then the user selects one of the

results such as "Good Eats Restaurant", the associated hypertext reference

"GetRemote(17)" will be executed at the web server 100, the function GetRemote 360

accesses the database to determine the location of the reference identifier is shown as

a telephone number followed by a file name "menu.html", the GetRemote function dial

the telephone number and requests an upload of the file named "menu.html" (col. 3, line

6 – col. 5, line 17).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Ramaswamy and Lambert and Verma

to include wherein the listings displayed in said presenting step do not include a

telephone number so the user does not have to use a phone to call but instead, the user

can call directly from the Internet, thus it's more convenient to user.

17.     As to dependent claims 10 and 88, Lambert and Verma and Ramaswamy disclose displaying a licensee's data if the user connected to the directory from a licensee (Lambert, Fig. 22).

18.     As to dependent claims 31 and 90, Lambert and Verma and Ramaswamy disclose wherein sponsor information may be navigated by the user (Lambert, Figs 16-18).

19.     Claims 5-9 and 83-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert, Verma, and Ramaswamy as discussed in claims 4, 10, 31, 82, 88 and 90 above and further in view of Speicher, US Patent Application Publication No. 2002/0049616.

20.     As to dependent claims 5 and 83, Lambert and Verma and Ramaswamy (Lambert-Verma-Ramaswamy) disclose wherein, in said displaying step, the sponsoree listing is displayed with a "call now button" that automatically connects the user with a selected listee (Ramaswamy, col. 3, line 6 – col. 5, line 17).

However, Lambert-Verma-Ramaswamy do not explicitly disclose the "call now button" automatically provides telephone communications between the user and a selected listee through an internet connection when the call now button is selected by the user.

Speicher discloses the advertiser has enabled the direct connection option, the Internet user is also presented with a "Direct Connect" button ("call now button"), and the Internet user initiates a telephone call to the advertiser by selecting the "Direct Connect" button (Fig. 14 and page 11, paragraph [0120]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Speicher with Lambert-Verma-Ramaswamy to include the "call now button" automatically provides telephone communications between the user and a selected listee through an internet connection when the call now button is selected by the user for the purpose of enhancing communication between advertiser and user.


21. As to dependent claims 6 and 84 Lambert-Verma-Ramaswamy Speicher (Lambert-Verma-Ramaswamy-Speicher) disclose wherein a call using the call now button is free to the user (It would have been obvious to one of ordinary skill in the art to acknowledge that if the phone number is 1-800 number, then the call should be free for the user or if it is not a 1-800 number, then some party must pay for it).


22. As to dependent claims 7 and 85, Lambert-Verma-Ramaswamy-Speicher disclose wherein the call may be charged to one of the following: the selected listee, the sponsor of the selected listee, or another sponsor (It would have been obvious to one of ordinary skill in the art to acknowledge that if the phone number is 1-800 number, then

the call should be free for the user or if it is not a 1-800 number, then some party must

pay for it).

23.    As to dependent claims 8 and 86, Lambert-Verma-Ramaswamy-Speicher

disclose playing an advertisement to the user prior to connecting the user with the

selected listee (It would have been obvious to one of ordinary skill in the art the

acknowledge that playing an advertisement to the user prior to connecting the user with

the selected listee for payment scheme such that when the user clicks on the ads, the

advertiser pays for the user's access the ads, and these can be seen on CNN, Yahoo,

MSN web sites, etc.,...).

24.    As to dependent claims 9 and 87, Lambert-Verma-Ramaswamy-Speicher

disclose playing an advertisement to the listee prior to connecting the user with the

selected listee (It's obvious to one of ordinary skill in the art the acknowledge that

playing an advertisement to the user prior to connecting the user with the selected listee

for payment scheme such that when the user clicks on the ads, the advertiser pays for

the user's access the ads, and these can be seen on CNN, Yahoo, MSN web sites,

etc.,...).

25.    Claims 11 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lambert, Verma, and Ramaswamy as discussed in claims 4, 10, 31, 82, 88 and 90

above and further in view of Gupta et al. (Gupta), US Patent No. 6,487,538.

26.    As to dependent claims 11 and 89, Lambert and Verma and Ramaswamy however do not explicitly disclose tracking the user for data mining purposes. Gupta disclose internet advertising scheme bases the advertisement on the input from the user, i.e., if a search for baby books were made on a search engine such as Yahoo, the web host for Yahoo may display advertisements relating to baby merchandise such as strollers and high chairs (col. 4, lines 45-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gupta and Lambert and Verma and Ramaswamy to include tracking the user for data mining purposes. Gupta suggests that by tracking the user such based on demographics and/or user's interest so the right advertisement will be delivered to the user.

27.    Claims 39-43 and 45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert as applied to claims 32-38 and 73-74 above, and further in view of Feezell, et al. (Feezell), US Patent No. 6,256,189.

28.    As to dependent claim 39, Lambert however does not explicitly disclose determining if a backer paying a higher impression price to sponsor the listee information wishes to sponsor the directory listing; and bumping the sponsor from sponsorship of the directory listing in favor of the backer paying a higher impression prices.

Feezell discloses a method and system for advertising time slot transactions by offering to sell a time slot, receiving time slot bids and transfers the ownership of a time slot when a bid meets or exceeds the terms of the time slot's offer to sell (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Feezell and Lambert to include determining if a backer paying a higher impression price to sponsor the listee information wishes to sponsor the directory listing; and bumping the sponsor from sponsorship of the directory listing in favor of the backer paying a higher impression prices in order to provide trading time slots more efficient and economical.

29.     As to dependent claim 40, Lambert and Feezell disclose communicating accounting logic to bill the sponsor based upon impression criteria (Feezell, col. 2, lines 26-39).

30.     As to dependent claim 41, Lambert and Feezell disclose wherein the impression criteria includes the number of times the sponsor information is displayed (Feezell, col. 5, line 62 – col. 6, line 13).

31.     As to dependent claim 42, Lambert and Feezell disclose wherein the impression criteria includes a billing period of time Feezell, col. 2, lines 26-39).

32.    As to dependent claim 43, Lambert and Feezell disclose wherein the accounting

logic provides a basis for which incentives are provided to the user (Feezell, col. 8, line

28 – col. 9, line 7).


33.    As to dependent claim 45, Lambert and Feezell disclose a sponsor searching the

directory listings to determine a category of listee available for sponsorship (Feezell, col.

6, line 66 – col. 7, line 13).


34.    As to dependent claim 46, Lambert and Feezell disclose wherein the category of

listee available for sponsorship includes at least one of zip code, city, user data,

demographic, keyword, Standard Industrial Classification (SIC), or individual directory

listing (Lambert, Fig. 15).


35.    As to dependent claim 47, Lambert and Feezell disclose providing a price quote

to the sponsor of the category of listee available for sponsor ship (Feezell, col. 5, lines

10-37).


36.    As to dependent claim 48, Lambert and Feezell disclose wherein the price quote

is based upon the number of times the sponsor information is displayed (Feezell, col. 5,

lines 10-37).

37.    As to dependent claim 49, Lambert and Feezell disclose wherein the price quote

is based upon a billing period of time (Feezell, col. 5, lines 10-37).

38.    As to dependent claim 50, Lambert and Feezell disclose the sponsor entering an

auction with other bidders if the sponsor declines the price quote (Feezell, Abstract).

39.    Claims 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Lambert as applied to claims 32-38 and 73-74 above, and further in view of

Ramaswamy, US Patent No. 6,338,085.

40.    As to dependent claim 44, Lambert however does not explicitly disclose

transmitting call connection logic to the user to display a call connection option with a

potential sponsor may communicate with the system.

Ramaswamy discloses a telephone activated web server providing a user

interface for searching or requesting a certain information, and in response to the user's

request, displaying a list of search result to the user, then the user selects one of the

results such as "Good Eats Restaurant", the associated hypertext reference

"GetRemote(17)" will be executed at the web server 100, the function GetRemote 360

accesses the database to determine the location of the reference identifier is shown as

a telephone number followed by a file name "menu.html", the GetRemote function dial

the telephone number and requests an upload of the file named "menu.html" (col. 3, line

6 – col. 5, line 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ramaswamy and Lambert include disclose transmitting call connection logic to the user to display a call connection option with a potential sponsor may communicate with the system and thus the user can call directly from the Internet, and it's more convenient to user.

### *Response to Arguments*

In the remarks, Applicant(s) argued in substance that

A) Lambert does not disclose the transmittal of framing information to a user for use in generating a browseable pre-defined HTML web page display having a plurality of embedded hypertext links.

In reply to argument A, Lambert discloses in Fig. 14 showing listee information 1862, sponsor information on the right hand side such as "Shop Online for Computers", "Consumer Guide", etc...are displayed to the user; when the user selects listing "Shoe-Custom Made" on Fig. 14, Fig. 15 displays the selected listing "Shoe-Custom Made" and sponsors such as "Hanger Prosthetics & Orthotics" and "Pedi-Mac Shoe Company". Figures 14 and 15 include frames (framing information), which are active and browseable pre-defined HTML web page having sponsors (embedded hypertext links) on the same page as the sponsoree listing (Fig. 15 and col. 10, lines 12-17).

B) "The applicant submits that the listing illustrated in Lambert is not a browseable pre-defined web page of a sponsor."

In reply to argument B, as mentioned in responding to argument A, Lambert discloses in Figures 14 and 15 include frames (framing information), which are active and browseable pre-defined HTML web page having sponsors (embedded hypertext links) on the same page as the sponsoree listing (Fig. 15 and col. 10, lines 12-17). Lambert also discloses in col. 10, lines 12-17 that the business listings relating to the user-specified search criteria selection relating to "custom made shoes", and the user may further select one of the businesses for more information pertaining to the business, such as directions and business-provided advertisements, thus selecting one of the businesses would provide browseable web page.

41. Applicant's arguments and amendments filed on 09/21/2006 have been fully considered but they are not deemed fully persuasive. Applicant's arguments with respect to claims 5 and 83 have been considered but are moot in view of the new ground(s) of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., provides telephone communications between the user and a selected listee through an internet connection when the call now button is selected by the user) to the claims which significantly affected the scope thereof.

**THIS ACTION IS MADE FINAL.**   Applicant is reminded of the extension of time

policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.   In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.   In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chau Nguyen whose telephone number is (571) 272-

4092.  The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon, can be reached on (571) 272-4136.   The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.  On July 15, 2005, the Central Facsimile (FAX) Number will change from

703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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